



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Zhongxin GE et al.)	Group Art Unit: Unassigned
Application No.: 10/594,429)	Examiner: Unassigned
Filed: September 26, 2006)	Confirmation No.: Unassigned
For: POLYHYDROXY)	
HYDROGENSULFATED)	
TIMETALLIC NITRIDE)	
ENDOHEDRAL)	
METALLOFULLERENES)	

STATEMENT OF FACTS UNDER 37 C.F.R. §1.47(a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Aaron S. Hullman, hereby declare as follows:

1. I am currently an attorney with the law firm of Latham & Watkins, LLP.

From October 2005 to August 2007, I was Vice President and General Counsel of Luna Innovations Incorporated. Luna Innovations Incorporated is the assignee of the above-captioned application. As Vice President and General Counsel, I was an authorized representative of Luna Innovations Incorporated.

2. Harry C. Dorn, Ph.D., a named inventor of the above-captioned patent application, was employed by Luna Innovations Incorporated during the time of his contribution to the invention described and claimed in the above-captioned application.

3. Dr. Dorn is no longer employed by Luna Innovations Incorporated.

4. Dr. Dorn is represented by an attorney with respect to certain matters concerning Luna Innovations Incorporated. Therefore, subsequent to filing the

above-captioned application, a letter was prepared and a copy of the application (specification, drawings, claims and Declaration) was sent on November 14, 2006 to Dr. Dorn through his attorney at that time, John P. Fishwick, Jr., at Lichtenstein Fishwick & Johnson PLC, Liberty Trust Building, 101 S. Jefferson Street, Suite 400, Roanoke, Virginia 24011. Exhibit 1.

5. On January 8, 2007 I received a letter from Mr. Fishwick, Jr. indicating that all future correspondence to Dr. Dorn should now be sent to his newly appointed counsel, Mr. David O. Williamson. Exhibit 2.

6. On May 11, 2007, I prepared and sent a certified letter to Dr. Dorn, through his newly appointed counsel, Mr. David O. Williamson, 302 Washington Avenue, S.W., Roanoke, Virginia 24016-4312, enclosing a copy of the application and Declaration for execution by Dr. Dorn. Exhibit 3.

7. On July 16, 2007, I sent a further letter, via Federal Express, to Mr. Dorn's attorney, David O. Williamson, at the address listed above. Exhibit 4.

8. On or around July 18, 2007, I conducted a telephone call with Mr. Williamson regarding Dr. Dorn's execution of the Declaration, during which time Mr. Williamson suggested that Dr. Dorn did not intend to execute such Declaration.

9. Despite a bona fide attempt to have Dr. Dorn execute and return the executed copy of the Declaration for the above-identified application, including multiple deliveries of the application to Dr. Dorn's attorneys and a follow-up telephone discussion with Dr. Dorn's attorney, Dr. Dorn has not returned the executed Declaration.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/31/07

By: A. S. Hullman
Aaron S. Hullman

EXHIBIT 1



1703 South Jefferson St. SW
Suite 400
Roanoke, VA 20416
Main: 540-769-8400
Fax: 540-581-0951

November 14, 2006

VIA OVERNIGHT COURIER

John P. Fishwick, Jr.
LICHTENSTEIN FISHWICK & JOHNSON PLC
Liberty Trust Building
101 South Jefferson Street, Suite 400
Roanoke, Virginia 24011

Re: Dr. Harry C. Dorn

Dear Mr. Fishwick:

This letter is being provided to you as counsel for Dr. Harry C. Dorn. Please note that we have not copied Dr. Dorn on this letter as we have assumed that you are representing him on all matters pertaining to Luna Innovations Incorporated ("Luna Innovations").

As you may be aware, Dr. Dorn was a co-inventor on at least two inventions during his employment with Luna Innovations. In accordance with the terms of that certain Confidentiality Agreement by and between Dr. Dorn and Luna Innovations dated August 7, 2002, a copy of which is enclosed with this letter, Dr. Dorn agreed to execute and deliver any and all instruments that are, or may be, necessary to document the assignment of such inventions to Luna Innovations for purposes of prosecuting U.S. and foreign patent applications.

To this end, enclosed herewith are six packets of materials for Dr. Dorn signature relating to two series of patent applications filed by Luna Innovations in which Dr. Dorn is a named co-inventor. Each packet of materials includes documents to be reviewed, signed and dated by Dr. Dorn.

Specifically, the first series of patent applications are entitled "Pegylation and Hydroxylation of Trimetallic Nitride Endohedral Metallofullerenes." The three applications in this series are as follows:

(i) U.S. Provisional Application No. 60/556,432 was initially filed on March 26, 2004 and identified Zhongxin Ge, Harry C. Dorn, and J. Paige Phillips as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

(ii) International Patent Cooperation Treaty ("PCT") Application No. PCT/US2005/010219 was filed on March 25, 2005 and claims priority to U.S. Provisional Application No. 60/556,432. A copy of the as-filed PCT application is included.

(iii) U.S. National Stage Patent Application No. 10/594,432 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,432. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

John P. Fishwick, Jr.
November 14, 2006
Page 2

The second series of patent applications are entitled "Polyhydroxy Hydrogensulfated Trimetallic Nitride Endohedral Metallofullerene." This series also has three applications and they are as follows:

(i) U.S. Provisional Application No. 60/556,431 was initially filed on March 26, 2004 and identified Zhongxin Ge and Harry C. Dorn as co-inventors. This provisional application packet includes the as-filed application and an Assignment document to be executed by Dr. Dorn.

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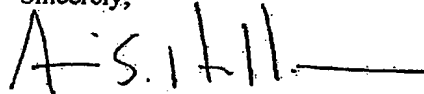
(iii) U.S. National Stage Patent Application No. 10/594,429 was filed on September 26, 2006 and claims priority to PCT Application No. PCT/US2005/010219 and U.S. Provisional Application No. 60/556,431. This national stage application packet includes the as-filed application and a Combined Declaration and Power of Attorney document to be executed by Dr. Dorn.

Please have Dr. Dorn sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents. Thereafter, please return the originally executed documents to my attention at 1703 South Jefferson Street, SW, Suite 400, Roanoke, VA 24016 so that we can arrange to have each document filed with the U.S. Patent and Trademark Office.

Additionally, kindly acknowledge receipt of this letter and its enclosures by signing, dating, and returning the attached copy of this letter.

If you have any questions, please do not hesitate to contact me at 540.808.9950.

Sincerely,



Aaron S. Hullman
Vice President and General Counsel

Enclosures

cc: Susan M. Dadio, Esq., Buchanan Ingersoll & Rooney PC
Robert S. Ballou, Esq., Johnson, Ayers & Matthews, P.L.C.

RECEIPT ACKNOWLEDGED:

By: _____

Date: _____

EXHIBIT 2

John P. Fishwick, Jr.
Telephone: 540-345-5890
Facsimile: 540-345-5789
jpf@vaonline.com

**LICHTENSTEIN
FISHWICK &
JOHNSON PLC**
ATTORNEYS & COUNSELORS AT LAW

Liberty Trust Building
101 S. Jefferson St., Suite 400
Roanoke, VA 24011

P.O. Box 601
Roanoke, VA 24004-0601

January 8, 2007

Aaron S. Hullman, Esq.
Luna Innovations, Inc.
1703 South Jefferson Street, SW
Suite 400
Roanoke, VA 24016

RE: Dr. Harry C. Dorn

Dear Aaron:


We are in receipt of and thank you for your letter requesting Dr. Dorn's signature on six patent applications. We write to inform you that David Williamson is handling these matters for Dr. Dorn and we have forwarded to him your letter and the enclosures. In the future, please direct all correspondence regarding this matter to David Williamson.

Thank you for your attention to this matter.

With kind regards, I remain

Very truly yours,

LICHTENSTEIN FISHWICK & JOHNSON, P.L.C.



John P. Fishwick, Jr.

JPF/mpp

cc: David O. Williamson
Dr. Harry C. Dorn

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR
CONCLUSIONS OF THE NATIONAL BUREAU OF STANDARDS
AND SHOULD NOT BE USED TO SPECIFY A METHOD OR TO
LIMIT THE SCOPE OF ANY PATENT RIGHTS THAT MAY
INFRINGE THE RIGHTS OF ANY PATENT THAT MAY BE
GRANTED BY THE UNITED STATES PATENT AND
TRADEMARK OFFICE.

EXHIBIT 3



VIA CERTIFIED MAIL INNOVATIONS

1703 South Jefferson St., S

Suite 40

Roanoke, VA 2401

Main: 1.540.769.840

Fax: 1.540.769.840

www.lunainnovations.co

May 11, 2007

DAVID O. WILLIAMSON, ATTORNEY
 302 Washington Avenue, S.W.
 Roanoke, Virginia 24016-4312
 540.344.7600

RECEIVED
 MAY 14 2007
 Buchanan Ingersoll & Rooney PC

Re: Dr. Harry C. Dorn

Dear Mr. Williamson:

Pursuant to the January 8, 2007 letter from John P. Fishwick, Jr. indicating your handling of this matter, this letter is being provided to you as counsel for Dr. Harry C. Dorn.

Enclosed herewith are six packets of materials for Dr. Dorn relating to two series patent applications filed by Luna Innovations Incorporated in which Dr. Dorn is a named co-inventor. Each packet of materials includes documents to be carefully reviewed, signed and dated by Dr. Dorn.

Specifically, the first series of patent applications are entitled "Pegylation and Hydroxylation of Trimetallic Nitride Endohedral Metallofullerenes." The three applications in this series are as follows:

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David O. Williamson
May 10, 2007
Page 2

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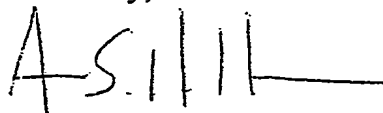
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Please have Dr. Dorn sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents. Thereafter, please return the originally executed documents to us so that we can have each document filed with the U.S. Patent and Trademark Office.

Additionally, kindly acknowledge receipt of this letter and its enclosures by signing, dating, and returning the attached copy of this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "A.S. Hullman", followed by a horizontal line.

Aaron S. Hullman
Vice President and General Counsel

Enclosures

cc: Susan M. Dadio, Esq., BUCHANAN INGERSOLL & ROONEY PC
Robert S. Ballou, Esq., JOHNSON, AYERS & MATTHEWS, P.L.C.

RECEIPT ACKNOWLEDGED:

By: _____

Date: _____

EXHIBIT 4



1703 South Jefferson St., SW
Suite 400
Roanoke, VA 24016
Main: 1.540.769.8400
Fax: 1.540.769.8401
www.lunainnovations.com

July 16, 2007

VIA E-MAIL AND FEDERAL EXPRESS

David O. Williamson, Esq.
302 Washington Avenue, S.W.
Roanoke, Virginia 24016-4312

Re: Dr. Harry C. Dorn Invention Assignment Documentation

Dear Mr. Williamson:

This letter is being provided to you as counsel for Dr. Harry C. Dorn. By letter dated May 11, 2007, we previously provided you and your client, Dr. Dorn, six packets of materials for Dr. Dorn relating to two series patent applications filed by Luna Innovations Incorporated in which Dr. Dorn is a named co-inventor. Each packet of materials included documents to be carefully reviewed, signed and dated by Dr. Dorn.

Please acknowledge in writing whether or not Dr. Dorn intends to sign and date each of the above-mentioned Assignment and Combined Declaration and Power of Attorney documents.

If Dr. Dorn intends to comply with his contractual obligations to cooperate in the prosecution of these patent applications, in accordance with his employment and consulting agreements, please have Dr. Dorn return the originally executed documents to us immediately so that we can have each document filed with the U.S. Patent and Trademark Office.

If you have any questions, please do not hesitate to contact me or our outside counsel, Ms. Susan Dadio, at Buchanan Ingersoll & Rooney PC. Ms. Dadio is handling these patent applications on behalf of Luna Innovations and she may be reached by phone at 703.838.6531 or by e-mail at susan.dadio@bipc.com.

Sincerely,

Aaron S. Hullman
Vice President and General Counsel

cc: Dr. Harry Dorn
Susan M. Dadio, Esq., Buchanan Ingersoll & Rooney PC
Robert S. Ballou, Johnson Ayers & Mathews, P.L.C.